

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CLYDIE NORMAN BUCHANAN,

Plaintiff,

v.

MICHAEL J. ASTRUE

Commissioner of Social Security,

Defendant.

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Civil Action No. 2:09CV23

J U D G M E N T

THIS MATTER is before the Court on the parties' consent motion, pursuant to sentence four of 42 U.S.C. § 405(g), requesting the Court to enter a judgment reversing the Commissioner's decision with a remand of the cause for further administrative proceedings. Based on the consent of the parties, the motion will be granted.

On remand, the Commissioner will assign this matter to the Appeals Council for review by its medical support staff for evaluation. If the case cannot be resolved at that level, the Appeals Council will remand the case to an Administrative Law Judge ("ALJ") for a new hearing. Among other things, the ALJ will be instructed to 1) utilize a medical expert at such hearing; 2) take into consideration and reassess the opinions of the Plaintiff's mental health treating physicians; 3) assess Plaintiff's residual functional capacity and whether the Plaintiff can perform any of her past relevant work; and 4) if necessary, obtain vocational expert testimony to determine if there are other jobs in the national economy that Plaintiff can perform.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g),

IT IS, THEREFORE, ORDERED that the parties' consent motion is **ALLOWED**, and

the Commissioner's decision is hereby **REVERSED** under sentence four of 42 U.S.C. § 405(g), and this action is hereby **REMANDED** to the Commissioner for further proceedings consistent with this Judgment and the Commissioner's Memorandum in support of the motion to remand. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: May 27, 2009

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

